

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY (CONTINUED) — WEDNESDAY, MAY 7, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 327).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

The invocation was offered by Mark Porterfield, pastor, Buda United Methodist Church, Buda, as follows:

Gracious God, remind us who you are and who we are. You see sometimes we believe that we know better than you what needs to be done and just how to do it, and we certainly know better than those who disagree with us. Help us to move toward you in all that is done today. Forgive us when we mistake our will for yours. Offer us what we need to do your will, be it a kind word or a kick in the pants. Bless the deliberations today, God, so that the words of our mouths and the meditations of our hearts are pleasing to you. And all the people said, Amen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 49).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 825 - ADOPTED
(by Denny)

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 825**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 825, Congratulating James Aron Horn on his appointment to the United States Military Academy at West Point.

HR 825 was read and was adopted without objection.

On motion of Representative Hill, the names of all the members of the house were added to **HR 825** as signers thereof.

HCR 233 - ADOPTED
(by Hernandez)

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HCR 233**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 233, Designating May 4-10, 1997, as Texas Community Action Week.

HCR 233 was adopted without objection.

HR 755 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 755**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 755, Honoring Ernesto Pedregon Martinez for his artistic achievements.

HR 755 was adopted without objection.

HR 835 - ADOPTED
(by Place)

Representative Place moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 835, In memory of Mickey Mantle.

HR 835 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUEST

The speaker recognized Representative Place, who introduced David Mantle, Mickey Mantle's son.

Mr. Mantle addressed the house briefly.

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Michael Lifshen of Austin as the "Doctor for the Day."

The house welcomed Dr. Lifshen and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 840 - ADOPTED (by Horn)

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HR 840**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 840, Congratulating the Denton Liberty Christian High School Warriors football team on winning the inaugural TAPPS Class 4A State Championship.

HR 840 was adopted without objection.

On motion of Representative Krusee, the names of all the members of the house were added to **HR 840** as signers thereof.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR CONSENT CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

SB 63 (Burnam - House Sponsor), A bill to be entitled An Act relating to the recommendations of certain local officials regarding the issuance of permits by the Texas Alcoholic Beverage Commission. (Finnell recorded voting no)

CSSB 145 (Christian and Hunter - House Sponsors), A bill to be entitled An Act relating to the acceptance of gifts by state agencies.

SB 191 (Burnam - House Sponsor), A bill to be entitled An Act relating to the recommendations of certain local officials regarding the issuance of licenses to sell beer at retail. (Finnell recorded voting no)

SB 327 was previously passed.

SB 330 (McCall - House Sponsor), A bill to be entitled An Act relating to the sunset review of the State Office of Administrative Hearings.

SB 338 was previously passed.

SB 452 (Cuellar - House Sponsor), A bill to be entitled An Act relating to the eligibility requirements for the chief administrative law judge of the State Office of Administrative Hearings.

SB 515 (Carter - House Sponsor), A bill to be entitled An Act relating to cash reserves in regional library systems.

SB 611 (Garcia - House Sponsor), A bill to be entitled An Act relating to criminal law magistrates in Dallas County.

SB 652 (Marchant - House Sponsor), A bill to be entitled An Act relating to the definitions of a certain account and an instrument for purposes of a secured transaction and to the perfection of a security interest in an instrument.

SB 754 (Pitts - House Sponsor), A bill to be entitled An Act relating to the statute of limitations applying to a lien on real property.

SB 911 (Goodman - House Sponsor), A bill to be entitled An Act relating to the protection or release of a trustee from liability under certain circumstances.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Goodman, Representative Carter offered the following committee amendment to **SB 911**:

Amend **SB 911** by striking SECTION 2 and renumbering subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

SB 927 (Kubiak - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to acquire certain real property.

SB 952 (Delisi - House Sponsor), A bill to be entitled An Act relating to anatomical gifts and donor cards.

SB 1012 (Williams - House Sponsor), A bill to be entitled An Act relating to the creation of the office of criminal district attorney of Madison County, to the abolition of the office of county attorney of Madison County, and to the abolition of the jurisdiction of the district attorney for the 12th Judicial District in Madison County.

SB 1044 (Rangel - House Sponsor), A bill to be entitled An Act relating to the change of the name of Texas A&I University to Texas A&M University—Kingsville.

SB 1113 (Raymond - House Sponsor), A bill to be entitled An Act relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients.

SB 1125 (Puente - House Sponsor), A bill to be entitled An Act relating to the conveyance of certain state-owned real property in Bexar County to the National Park Service.

CSSB 1131 (Davila - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of cosmetology; providing an administrative penalty. (Finnell and Heflin recorded voting no)

Amendment No. 1

Representative Davila offered the following amendment to **CSSB 1131**:

In **CSSB 1131**, on page 10, line 15, insert "first renewal of" between the words "for" and "a".

Amendment No. 1 was adopted without objection.

SB 1174 (Keffer - House Sponsor), A bill to be entitled An Act relating to the terms of court of the 90th Judicial District.

SB 1422 (Junell - House Sponsor), A bill to be entitled An Act relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board.

CSSB 1465 (Patterson - House Sponsor), A bill to be entitled An Act relating to the handling, testing, and compensation for the destruction of certain animals; providing a penalty.

SB 1826 (McCall - House Sponsor), A bill to be entitled An Act relating to the regulation of private postsecondary educational institutions and educational or training establishments; providing administrative and civil penalties.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

SCR 24 (Hawley - House Sponsor), relating to directing the Texas Department of Transportation to monitor discussions addressing overweight trucks.

SCR 24 was adopted without objection.

SCR 32 (Finnell - House Sponsor), extending the term of the Red River Boundary Commission to June 30, 2000.

SCR 32 was adopted without objection.

**LOCAL CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 2183 (by Greenberg, Naishtat, and Maxey), A bill to be entitled An Act relating to creation of the County Court at Law Number 4 of Travis County.

CSHB 2300 (by Serna and Chavez), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility District and to the authorization of bonds and the levy of taxes; providing civil penalties.

HB 2374 (by Driver), A bill to be entitled An Act relating to the municipal courts of record in Garland.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Clark, Representative Driver offered the following committee amendment to **HB 2374**:

Amend **HB 2374** as follows:

(1) On page 4, between lines 2 and 3, insert the following:

SECTION 4. Sections 30.461(b) and (c), Government Code, are amended to read as follows:

(b) To perfect an appeal, the defendant must file a motion for new trial not later than the fifth day after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the municipal courts of record. The motion constitutes the assignments of error on appeal. A ground of error not set forth in the motion is waived. If the court does not rule on the motion before the 21st day after the date the motion is filed, the motion is overruled by operation of law.

(c) To perfect an appeal, the defendant must also give notice of appeal. To give notice of appeal, the defendant must file a written notice of appeal with the court and pay ~~[After an order overruling a motion for new trial, the defendant may give notice of appeal by paying]~~ the \$10 transcript preparation fee not later than the 10th day after the date on which the motion for new trial is overruled. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant.

(2) Renumber Sections 4 and 5 as Sections 5 and 6, respectively.

HB 2374 was withdrawn.

CSHB 3146 (by Danburg and Woolley), A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.

Representative Woolley moved to postpone consideration of **CSHB 3146** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 3542 (by Driver), A bill to be entitled An Act relating to the creation of municipal courts of record for the City of Rowlett.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Thompson, Representative Driver offered the following committee amendment to **HB 3542**:

Amend **HB 3542** on page 2, lines 13 and 14, by striking "A municipal court judge, including the chief judge, may not serve for more than three consecutive terms."

Amendment No. 1 was adopted without objection.

HB 3549 (by R. Lewis), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the South Newton Special Utility District.

Amendment No. 1 (Committee Amendment No. 1)

Representative R. Lewis offered the following committee amendment to **HB 3549**:

Amend **HB 3549** as follows:

On page 7, line 6, strike the words "ad valorem taxes and" between the words "through" on line 5 and "revenues" on line 6.

Amendment No. 1 was adopted without objection.

HB 3552 (by Pickett), A bill to be entitled An Act relating to the dissolution of the San Elizario Grant Municipal Utility District and the transfer of its territory, assets, and liabilities to the Lower Valley Water District.

Representative Pickett moved to postpone consideration of **HB 3552** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 3588 (by G. Lewis), A bill to be entitled An Act relating to criminal law magistrates in Tarrant County.

**CONSENT CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

CSHB 17 (by Chisum), A bill to be entitled An Act relating to posting signs along roadsides to promote traffic safety.

CSHB 247 (by Longoria), A bill to be entitled An Act relating to retirement benefits earned by a spouse after dissolution of a marriage.

SB 788 (Maxey - House Sponsor), in lieu of **HB 417**, A bill to be entitled An Act relating to the duty of certain hospitals to provide community benefits and charity care.

Representative Maxey moved to lay **HB 417** on the table subject to call.

The motion prevailed without objection.

HB 479 (by Craddick), A bill to be entitled An Act relating to the exemption from ad valorem taxation of marine cargo containers used exclusively in international commerce.

HB 574 (by Hawley), A bill to be entitled An Act relating to the fiscal administration of the San Patricio County Navigation District No. 1.

CSHB 607 (by Maxey and Van de Putte), A bill to be entitled An Act relating to the creation of a durable medical equipment and assistive technology listing.

HB 616 was withdrawn.

HB 623 (by Hernandez), A bill to be entitled An Act relating to certification of public school educators.

HB 655 was withdrawn.

CSHB 666 (by Krusee), A bill to be entitled An Act relating to authorizing certain municipal utility districts to repair and maintain streets and to issue bonds for that purpose.

Representative Krusee moved to postpone consideration of **CSHB 666** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

HB 685 (by B. Turner), A bill to be entitled An Act relating to issuance of special license plates for a vehicle used to transport a person with a disability.

CSHB 770 (by Haggerty), A bill to be entitled An Act relating to the acquisition by the Parks and Wildlife Department of real property owned by the permanent school fund.

CSHB 819 (by Cuellar, Dukes, and Alvarado), A bill to be entitled An Act relating to reducing the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

Amendment No. 1

Representative Cuellar offered the following amendment to **CSHB 819**:

Amend **CSHB 819** as follows:

(1) In added Section 2162.106, Government Code, strike Subsection (b) and substitute new Subsections (b) and (c) to read as follows:

(b) If the council determines that a service provided by the Texas Department of Criminal Justice prison industries office may be better provided by selecting the service provider through competition, the council shall report that fact to the 76th Legislature.

(c) This section expires August 31, 2000.

(2) Insert a new section of the bill to read as follows and renumber existing sections of the bill accordingly:

SECTION _____. If in another Act of the 75th Legislature, Regular Session, 1997, that is enacted and becomes law the name of the prison industries office in the Texas Department of Criminal Justice is changed to Texas correctional industries office, a reference to the prison industries office in law amended or added by this Act means the Texas correctional industries office of the Texas Department of Criminal Justice.

Amendment No. 1 was adopted without objection.

HB 836 (by Gallego and Luna), A bill to be entitled An Act relating to optional extended year programs conducted by certain public school districts.

HB 853 (by Delisi), A bill to be entitled An Act relating to the prosecution of an offense related to the failure to maintain financial responsibility for a motor vehicle.

CSHB 863 (by Goodman), A bill to be entitled An Act relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage.

HB 876 (by Naishtat, Dukes, and Maxey), A bill to be entitled An Act relating to the application process for state loan and loan guaranty programs.

Representative Naishtat moved to postpone consideration of **HB 876** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

SB 526 (Allen - House Sponsor), in lieu of **HB 1058**, A bill to be entitled An Act relating to the making of a change to an accident report.

Representative Allen moved to lay **HB 1058** on the table subject to call.

The motion prevailed without objection.

HB 1115 (by Oakley), A bill to be entitled An Act relating to the denial of renewal of a driver's license for failure to appear for certain offenses.

Representative Oakley moved to postpone consideration of **HB 1115** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 1248 was withdrawn.

CSHB 1338 (by Junell), A bill to be entitled An Act relating to the purchase of directors' and officers' liability insurance by state agencies.

HB 1510 was withdrawn.

CSSB 228 (Place - House Sponsor), in lieu of **HB 1613**, A bill to be entitled An Act relating to the creation of the offense of trademark counterfeiting.

Representative Place moved to lay **HB 1613** on the table subject to call.

The motion prevailed without objection.

HB 1627 (by Clark), A bill to be entitled An Act relating to a notice requirement for political advertising signs.

SB 614 (Berlanga - House Sponsor), in lieu of **HB 1634**, A bill to be entitled An Act relating to assignment of Medicaid payments.

Representative Berlanga moved to lay **HB 1634** on the table subject to call.

The motion prevailed without objection.

HB 1672 was withdrawn.

CSHB 1716 (by Maxey, et al.), A bill to be entitled An Act relating to the membership and duties of the statewide health coordinating council. (Finnell recorded voting no)

CSHB 1734 (by Delisi), A bill to be entitled An Act relating to the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 1734**:

Amend **CSHB 1734** on page 1, line 10, by striking "per capita" and substituting "capitated".

Amendment No. 1 was adopted without objection.

HB 1779 (by Place), A bill to be entitled An Act relating to the Real Estate Research Center.

CSHB 1787 (by Coleman and Maxey), A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

Representative Coleman moved to postpone consideration of **CSHB 1787** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 1812 (by Hunter, et al.), A bill to be entitled An Act relating to the Texas State Library and Archives Commission and the preservation, management, and disposition of state records and other historical resources.

HB 1833 was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

CSHB 1865 (by Maxey, et al.), A bill to be entitled An Act relating to payment of accelerated life insurance benefits.

CSHB 1906 (by Siebert), A bill to be entitled An Act relating to motor vehicle registration.

Representative Siebert moved to postpone consideration of **CSHB 1906** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 1941 (by Place), A bill to be entitled An Act relating to the automatic revocation of hunting and fishing licenses held by and denial of issuance of hunting and fishing licenses to persons convicted of poaching.

CSHB 1990 (by Naishtat, et al.), A bill to be entitled An Act relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty.

CCSB 1243 (Janek - House Sponsor), in lieu of **HB 2014**, A bill to be entitled An Act relating to the regulation of perfusionists.

Representative Janek moved to lay **HB 2014** on the table subject to call.

The motion prevailed without objection.

CSHB 2017 (by Maxey, et al.), A bill to be entitled An Act relating to telemedicine services provided under the Medicaid and Medicare programs.

HB 2078 (by Naishtat), A bill to be entitled An Act relating to the disposition of a person's remains.

CSHB 2088 (by Cuellar), A bill to be entitled An Act relating to the regulation of certain midwives; providing administrative penalties. (Finnell recorded voting no)

HB 2094 (by Uher), A bill to be entitled An Act relating to authorizing the Sweeny Hospital District to operate or provide for certain medical care and medical services to or for needy residents of the district.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Christian, Representative Carter offered the following committee amendment to **HB 2094**:

Amend **HB 2094** on page 1, line 20, by striking "adult-day care services, or" and substituting "adult-day care services, ambulance and emergency medical services, or".

Amendment No. 1 was adopted without objection

HB 2099 (by Uher), A bill to be entitled An Act relating to student loan reimbursements for physician assistants practicing in certain areas.

CSHB 2101 (by Siebert), A bill to be entitled An Act relating to stopping at railroad grade crossings; providing penalties.

HB 2153 (by Allen), A bill to be entitled An Act relating to the priority given to certain victim compensation funds by the Texas Youth Commission when apportioning wages earned by certain children.

HB 2189 (by Naishtat), A bill to be entitled An Act relating to certain reports and accounts submitted by guardians or personal representatives of estates.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hartnett, Representative Naishtat offered the following committee amendment to **HB 2189**:

Amend **HB 2189** as follows:

(1) On page 3, line 15 strike "and proof that all required bond premiums have been paid".

Amendment No. 1 was adopted without objection.

HB 2222 (by Rhodes), A bill to be entitled An Act relating to the bond and oath requirements applicable to a sheriff.

HB 2255 (by Berlanga), A bill to be entitled An Act relating to the licensing of certain dentists and dental hygienists. (Finnell recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

Representative Berlanga offered the following committee amendment to **HB 2255**:

Amend Section 2 of **HB 2255** beginning on page 2, line 4 by striking all of the existing language and substituting the following:

SECTION 2. Article 4545a, Revised Statutes, is amended by adding Section 3 to read as follows:

Sec. 3. (a) The Dental Hygiene Advisory Committee shall assist the Board in determining educational equivalency under Section 2(a) of this article.

(b) The advisory committee shall review transcripts, course descriptions, and other material considered necessary by the Board to determine educational equivalency.

(c) A member of the advisory committee is not liable in a civil action for any act performed in good faith in the execution of that member's duty as a committee member.

Amendment No. 1 was adopted without objection.

HB 2344 was withdrawn.

SB 887 (Hilbert - House Sponsor), in lieu of **HB 2360**, A bill to be entitled An Act relating to the transfer of certain property to a custodian under the Uniform Transfers to Minors Act.

Representative Hilbert moved to lay **HB 2360** on the table subject to call.

The motion prevailed without objection.

CSHB 2384 (by Delisi), A bill to be entitled An Act relating to the provision of charity care, indigent health care, and other community benefits by certain nonprofit hospitals.

HB 2386 (by Delisi), A bill to be entitled An Act relating to Medicaid reimbursement for certain medical consultations.

Amendment No. 1 (Committee Amendment No. 1)

Representative Delisi offered the following committee amendment to **HB 2386**:

On page 1, line 11, between "physician" and "or a physician assistant," insert "a dentist".

On page 2, line 5, between "medical" and "school", insert "or dental".

On page 2, line 7, after "medical", insert "or dental".

On page 2, line 24, after "medical", insert "or dental".

On page 2, line 26, after "medical", insert "or dental".

On page 3, line 1, after "physician", insert "or dentist".

On page 3, line 9, after "physician", insert "or dentist".

On page 3, line 11, after "physicians", insert "or dentists".

Representative Delisi moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Delisi offered the following amendment to **HB 2386**:

Amend **HB 2386** as follows:

(1) On page 1, line 15, strike "nonprofit".

(2) On page 1, line 20, strike "nonprofit".

(3) On page 1, line 22, after the underlined semicolon, add "or".

(4) On page 1, line 24, strike "; or" and substitute ".".

(5) On page 2, strike lines 1-6.

(6) On page 2, line 7, strike "(5)" and substitute "(4)".

(7) On page 2, line 23, strike "nonprofit".

(8) On page 3, lines 2-4, strike "has a private rural health practice or who practices in a rural nonprofit health facility" and substitute "practices in a rural county".

(9) On page 3, line 12, between "facility" and "shall", insert "and a health professional who obtains consultations under this section".

(10) On page 3, between lines 15 and 16, insert the following:

(f) The commission may not require a telemedical consultation if an in-person consultation with a physician is reasonably available where the patient resides or works.

Amendment No. 2 was adopted without objection.

HB 2425 (by Junell), A bill to be entitled An Act relating to a cause of action for violation of collegiate athletic association rules by certain regional collegiate athletic associations.

Representative Gray moved to postpone consideration of **HB 2425** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 2449 (by Hirschi), A bill to be entitled An Act relating to the approval of a licensed dietitian as a service provider under the chronically ill and disabled children's program.

Representative Hirschi moved to postpone consideration of **HB 2449** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

HB 2503 (by Garcia), A bill to be entitled An Act relating to certain solicitations made in relation to insured fire losses; providing a penalty.

SB 1904 (Dunnam - House Sponsor), in lieu of **HB 2518**, A bill to be entitled An Act relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Dunnam offered the following committee amendment to **SB 1904**:

Amend **SB 1904** as follows:

(1) Amend SECTION 1, Sec. 2205.046(a) (page 1, line 10 and line 11) by inserting "continued maintenance of" between the words "for" on line 10 and "aircraft" on line 11.

(2) Amend SECTION 1, Sec. 2205.046(b) (page 1, line 13) by inserting "institution will accept full responsibility for maintenance of the" between the words "the" and "aircraft".

(3) Amend SECTION 1, Sec. 2205.046(b) (page 1, line 13) by inserting "and that it" after the word aircraft.

Amendment No. 1 was adopted without objection.

Representative Dunnam moved to lay **HB 2518** on the table subject to call.

The motion prevailed without objection.

CSHB 2556 (by Kuempel), A bill to be entitled An Act relating to eligibility for state assistance under the Indigent Health Care and Treatment Act for certain hospitals.

CSHB 2587 (by Horn), A bill to be entitled An Act relating to the collection of delinquent property taxes and the foreclosure of tax liens.

Amendment No. 1

Representative Horn offered the following amendment to **CSHB 2587**:

Amend **CSHB 2587** as follows:

(1) Strike SECTION 2 and renumber subsequent sections according.

Amendment No. 1 was adopted without objection.

CSSB 728 (Pitts - House Sponsor), in lieu of **HB 2610**, A bill to be entitled An Act relating to the management, control, disposition, and status of certain state land, including land owned or used for the site of the superconducting super collider research facility.

Representative Pitts moved to lay **HB 2610**, on the table subject to call.

The motion prevailed without objection.

HB 2622 (by Heflin), A bill to be entitled An Act relating to liability for postjudgment taxes, penalties, and interest in a suit to collect a delinquent ad valorem tax.

HB 2641 (by Seaman), A bill to be entitled An Act relating to the funding of certain peer assistance programs.

Representative Seaman moved to postpone consideration of **HB 2641** until 10 a.m. Saturday, May 10.

The motion prevailed.

HB 2681 (by Hawley), A bill to be entitled An Act relating to the issuance of specially designed Texas license plates for Keep Texas Beautiful.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Alexander, Representative Hawley offered the following committee amendment to **HB 2681**:

Amend **HB 2681** as follows:

On page 1, line 18, between "502.161" and "and", insert "or Section 502.162"

Amendment No. 1 was adopted without objection.

HB 2682 (by Hawley), A bill to be entitled An Act relating to ad valorem tax sanctions on certain land diverted from agricultural use.

Representative Hawley moved to postpone consideration of **HB 2682** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

SB 372 (Walker - House Sponsor), in lieu of **HB 2754**, A bill to be entitled An Act relating to certain regulatory functions of the Department of Agriculture.

Representative Walker moved to lay **HB 2754** on the table subject to call.

The motion prevailed without objection.

HB 2765 (by Bosse), A bill to be entitled An Act relating to employment as a fire fighter in certain municipalities.

Representative Bosse moved to postpone consideration of **HB 2765** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 2773 (by Coleman), A bill to be entitled An Act relating to expanded hours of operation under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Representative Coleman moved to postpone consideration of **CSHB 2773** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 2845 (by Berlanga), A bill to be entitled An Act relating to the authority of a justice of the peace to reopen an inquest.

CSHB 2850 (by Williams), A bill to be entitled An Act relating to the exclusion from emergency service districts and rural fire prevention districts of certain territory subject to ad valorem assessments.

HB 2873 (by Goodman), A bill to be entitled An Act relating to the exemption for large risk insurance policies.

SB 1490 (Coleman - House Sponsor), in lieu of **HB 2926**, A bill to be entitled An Act relating to the administration of federal and state-funded child-care programs and to training for local workforce development boards. (Finnell recorded voting no)

Representative Coleman moved to lay **HB 2926** on the table subject to call.

The motion prevailed without objection.

CSHB 2932 (by Coleman), A bill to be entitled An Act relating to the rights of recovery of Medicaid providers.

CSHB 2968 (by Yarbrough), A bill to be entitled An Act relating to special license plates for the Houston Livestock Show and Rodeo.

Representative Yarbrough moved to postpone consideration of **CSHB 2968** until 10 a.m. Saturday, May 10.

The motion prevailed without objection.

CSHB 3011 (by Jackson), A bill to be entitled An Act relating to precommitment approval for certain purchases of a port authority.

Representative Jackson moved to postpone consideration of **CSHB 3011** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 3021 (by Allen), A bill to be entitled An Act relating to the method of providing notice to vacate the premises in connection with an eviction action.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solomons, Representative Allen offered the following committee amendment to **HB 3021**:

Amend **HB 3021** on page 1 of the bill at line 12, strike the words "other impediment" and insert the words "dangerous animal" and on page 1 at line 13, between the words "may" and "affix", insert the word "securely"; and on page 1 of the bill at line 15, insert the word "by" between the words "or" and "certified."

Amendment No. 1 was adopted without objection.

HB 3037 (by Cook), A bill to be entitled An Act relating to cost of service studies for electric cooperative corporations exempt from rate regulation.

HB 3052 (by Berlanga, Luna, Seaman, and Hawley), A bill to be entitled An Act relating to the liability of certain marine fire-fighting entities.

CSHB 3063 (by Clark), A bill to be entitled An Act relating to the registration of certain golf carts.

SB 908 (Chavez - House Sponsor), in lieu of **HB 3121**, A bill to be entitled An Act relating to the licensing and inspection of certain hospitals.

Representative Chavez moved to lay **HB 3121** on the table subject to call.

The motion prevailed without objection.

SB 1782 (Elkins - House Sponsor), in lieu of **HB 3213**, A bill to be entitled An Act relating to the disposal of dead animal carcasses found on municipal and county roadways.

Representative Elkins moved to lay **HB 3213** on the table subject to call.

The motion prevailed without objection.

HB 3246 (by Gallego), A bill to be entitled An Act relating to designation of Spur 239 in Val Verde County.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3246**:

Amend **HB 3246** as follows:

On page 1, line 5, insert "Sergio Gonzalez, Jr., and" before "Alfredo Gutierrez, Jr., M.D.".

On page 1, line 8, insert "Sergio Gonzalez, Jr., and" after the words "as the".

Amendment No. 1 was adopted without objection.

CSHB 3250 (by Hartnett), A bill to be entitled An Act relating to dog and cat sterilization and the issuance of Animal Friendly license plates.

HB 3305 (by Heflin), A bill to be entitled An Act relating to the appraisal and ad valorem taxation of certain personal property.

HB 3306 (by Heflin), A bill to be entitled An Act relating to penalties and interest, writs, suits, judgment amounts, right of redemption and distribution of proceeds in ad valorem tax matters.

CSHB 3314 (by Hightower), A bill to be entitled An Act relating to the conversion of Polk County Fresh Water Supply District No. 2 into a municipal utility district and confirming the boundaries and directors of the district.

HB 3319 (by Horn), A bill to be entitled An Act relating to the dissolution of certain development districts.

Amendment No. 1 (Committee Amendment No. 1)

Representative Horn offered the following committee amendment to **HB 3319**:

Amend **HB 3319** (page 1, line 6), by striking "the district" and substituting "a commissioner's precinct in which the district is located".

Amendment No. 1 was adopted without objection.

CSHB 3330 (by Talton), A bill to be entitled An Act relating to ownership of a drainage outfall ditch in Harris County.

HB 3337 (by Dukes), A bill to be entitled An Act relating to application of the Capitol view corridors to the construction, redevelopment, and improvement of East 11th Street pursuant to the East 11th and 12th Streets Redevelopment Program.

HB 3345 (by Smith), A bill to be entitled An Act relating to the investigation of a report of child abuse or neglect during the pendency of a suit affecting the parent-child relationship.

HB 3377 was withdrawn.

HB 3437 (by Kubiak), A bill to be entitled An Act relating to the cancellation or suspension of an alcoholic beverage private club registration permit.

HB 3441 (by Kubiak), A bill to be entitled An Act relating to the offense of purchase or possession of alcohol by a minor.

CSHB 3448 (by J. Jones and Denny), A bill to be entitled An Act relating to the authorization of a closed meeting by the commissioners court of a county to deliberate certain personnel actions affecting a member of an advisory body.

CSHB 3465 (by Greenberg, B. Turner, Delisi, and Averitt), A bill to be entitled An Act relating to the disposition of certain state property designated for military use.

HB 3475 (by Alvarado and Greenberg), A bill to be entitled An Act relating to facilitating the organization and availability of government information.

Representative Alvarado moved to postpone consideration of **HB 3475** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

HB 3540 (by Price), A bill to be entitled An Act relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

HB 3543 (by Bosse), A bill to be entitled An Act relating to the use of certain titles by motor vehicle lessors and lease facilitators.

HB 3551 (by Zbranek), A bill to be entitled An Act relating to the definition of coastal wetlands for purposes of the coastal management program administered by the Coastal Coordination Council.

Representative Zbranek moved to postpone consideration of **HB 3551** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 3554 (by Pickett and Serna), A bill to be entitled An Act relating to the inclusion of the territory of the Town of Clint in the Lower Valley Water District.

Representative Pickett moved to postpone consideration of **CSHB 3554** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 3561 was withdrawn.

CSHB 3566 (by Rhodes), A bill to be entitled An Act relating to the Gonzales County Hospital District.

HB 3570 (by D. Jones, Swinford, and Chisum), A bill to be entitled An Act relating to the length limitation for a vehicle or vehicle combination transporting a combine.

CSHB 3572 (by Cook), A bill to be entitled An Act relating to the powers of and the application of the professional prosecutors act to the county attorney for Colorado County.

HB 655 - OBJECTIONS WITHDRAWN

Objections were withdrawn to **HB 655** which was previously withdrawn from the local, consent, and resolutions calendar.

SB 126 (Craddick - House Sponsor), in lieu of **HB 655**, A bill to be entitled An Act relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production. (Finnell recorded voting present, not voting)

SB 126 was read second time and was passed to third reading.

Representative Craddick moved to lay **HB 655** on the table subject to call.

The motion prevailed without objection.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

CSHCR 14 (by Pitts), Designating the city of Waxahachie the Crape Myrtle Capital of Texas.

CSHCR 14 was adopted without objection.

HCR 23 (by Maxey), Designating the guitar as the official State Musical Instrument of Texas.

HCR 23 was adopted without objection.

HCR 116 (by Kubiak), Designating the Chappell Hill Bluebonnet Festival as the official Bluebonnet Festival of Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Pitts, Representative Kubiak offered the following committee amendment to **HCR 116**:

Amendment **HCR 116** as follows: On line 21 Page 1 strike "; now therefore, be it". On line 22 page 1 insert the following and renumber accordingly:

WHEREAS, In 1951 the Ennis Garden Club established its first Bluebonnet Trail of Texas, mapping certain locales in the City of Ennis and the area surrounding the city, thus sharing its bounty of this unique Texas wild flower; these mapped trails have grown to encompass more than 40 miles where the thousands of visitors may be enthralled for two consecutive weekends in April each year by the spectacular fields of bluebonnets that grow so bountifully in the area; the City of Ennis has gained renown for having the official Bluebonnet Trail of Texas; an added attraction to those visiting during the weekends of the Bluebonnet Trail is an antique show and sale that attracts vendors from five neighboring states and benefits the Ennis Heritage Society; now, therefore, be it

RESOLVED, That Ennis be declared the official Bluebonnet Trail of Texas and that Ennis be designated the Bluebonnet City of Texas, because of the 46 years it has been associated with the Official wild flower of Texas and the faithful efforts of the Ennis Garden Club in preserving our state wild flower for all to enjoy, and be it further

Amendment No. 1 was adopted without objection.

HCR 116, as amended, was adopted without objection.

SCR 36 (Hilderbran - House Sponsor), in lieu of **HCR 136**, Endorsing the Texas Department on Aging's initiative to prepare for an aging society.

SCR 36 was adopted without objection.

Representative Hilderbran moved to lay **HCR 136** on the table subject to call.

The motion prevailed without objection.

HCR 150 (by Wohlgemuth), Designating Clifton the Norwegian Capital of Texas.

HCR 150 was adopted without objection.

HCR 168 (by Delisi), Urging Congress to oversee the audit of teaching hospitals.

HCR 168 was adopted without objection.

HCR 202 (by Walker), Memorializing congress to allocate funds for road expansion in Texas to the Waste Isolation Pilot Plant project in New Mexico.

HCR 202 was adopted without objection.

HCR 206 (by West, B. Turner, and Craddick), Designating Odessa as the Jackrabbit Capital of Texas.

HCR 206 was adopted without objection.

HCR 211 (by Marchant), Memorializing congress to pass legislation to increase volume caps and index them to inflation.

HCR 211 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HR 843 - ADOPTED (by Horn)

Representative Horn moved to suspend all necessary rules to take up and consider at this time **HR 843**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 843, Congratulating the Denton Liberty School track team on winning the TAPPS Class 4-A state championship.

HR 843 was adopted without objection.

On motion of Representative Denny, the names of all the members of the house were added to **HR 843** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, on adjournment today, Desk 46, to consider **SB 174** and pending bills.

Urban Affairs, on adjournment today, Desk 73, to consider pending bills.

Economic Development, on adjournment today, Desk 61, to consider **SB 213**, **SB 417**, **SB 706**, **SB 781**, and **SB 932**.

Rules and Resolutions, on adjournment today, Desk 133.

Natural Resources, on adjournment today, Desk 9.

ADJOURNMENT

Representative Carter moved that the house adjourn until 2:15 p.m. today in honor of Sergeant Ed Stapp, Department of Public Safety Capitol Detail, on his 53rd birthday.

The motion prevailed without objection.

The house accordingly, at 12:50 p.m., adjourned until 2:15 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 49

HB 567, HB 1520, HB 2277

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 7, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1825 Shapleigh
Relating to the State Board for Educator Certification and to certain professional employees of public schools.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 7, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 6 Jones, Delwin SPONSOR: Barrientos
Relating to the reapportionment of certain state representative districts.

HB 8 Stiles SPONSOR: Barrientos
Relating to the extension of the full faith and credit of the state to support the Texas tomorrow fund.

HB 9 Stiles SPONSOR: Barrientos
Relating to the prepaid higher education tuition program.
(AMENDED)

HB 358 Maxey SPONSOR: Zaffirini
Relating to certain misbranded drugs and devices and the use of certain detained or embargoed articles.
(COMMITTEE SUBSTITUTE)

HB 614 Alexander SPONSOR: Cain
Relating to the jurisdiction of justice courts.

HCR 39 Delisi SPONSOR: Ogden
Recognizing May 1, 1997, as the official National Day of Prayer.

HCR 90 Thompson SPONSOR: Ellis
In memory of the Honorable Barbara C. Jordan.

HCR 221 Kubiak SPONSOR: Armbrister
In memory of the Honorable James C. Day, Jr.

HCR 234 Craddick SPONSOR: Bivins
Honoring Tom Ingram on the occasion of his 80th birthday.

HJR 8 Stiles SPONSOR: Barrientos
Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

HJR 59 Delisi SPONSOR: Ratliff
Proposing a constitutional amendment limiting debt payable from the general revenue fund.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 655 (viva-voce vote)

SB 1697 (viva-voce vote)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

SB 263 (viva-voce vote)

Respectfully,

Betty King
Secretary of the Senate

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